

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

GREGORY LEE GIVENS,

Case No. 2:18-cv-00581-JR

Plaintiff,

ORDER FOR ATTORNEY FEES  
UNDER 42 U.S.C § 406(B)

v.

COMMISSIONER SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

Plaintiff's Motion for Attorney Fees pursuant to 42 U.S.C. § 406(b), is hereby GRANTED, and Plaintiff's counsel is awarded \$49,585.50 under 42 U.S.C. § 406(b). Previously, this Court awarded Plaintiff EAJA fees in the amount of \$30,828.42, to be paid to Plaintiff's attorney, Ms. Meserow, after the satisfaction of Plaintiff's debts under *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010). Therefore, when issuing the 406(b) fee check for payment to Plaintiff's counsel, the Commissioner is directed to subtract the \$30, 828.42 previously received, and to send Ms. Meserow the remaining balance of \$18,757.08, less any applicable processing fee prescribed by law.

Generally, payment of fees is from the claimant's withheld past-due benefits. Where, as here, the Commissioner has not withheld past-due benefits sufficient to satisfy this order, in the event Plaintiff's attorney reports she is unable to collect the fee from the claimant, the Commissioner will satisfy this order via the procedures in the Program Operation Manual System (POMS) GN 03920.055.C, in accordance with agency policy.

The § 406(b) check payable to Ms. Meserow should be mailed to Nancy J. Meserow, Law Office of Nancy J. Meserow, 7540 SW 51st Avenue, Portland, OR 97219.

**IT IS SO ORDERED** this 10<sup>th</sup> day of June, 2024.

/s/ Jolie A. Russo

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Jolie A. Russo  
U.S. Magistrate Judge